

REMARKS

Applicants have amended claims 1 and 6 to correct the informalities cited by the Examiner, rendering moot the objections to those claims.

Applicants also have amended claim 1, as suggested by the Examiner to include the phrase “in the cooling chamber” in line 19 after the term “cooled,” thereby obviating the § 112 paragraph rejection.

Applicant respectfully traverses the § 102(b) and § 103(a) rejections of claim 6. The present invention relates to a thermophotovoltaic generator apparatus including, among other things, a cell holder portion. The cell holder portion contacts a cooling liquid. The cooling liquid includes at least two kinds of liquids, the first liquid having a greater specific gravity and a lower boiling point than the second liquid. The first liquid is provided at a lower level than the second liquid. The first liquid boils, forming into a first vapor, and a first portion of the first vapor absorbs heat from the second liquid. A second portion of the first vapor is cooled and returns to the lower level as a liquid. Claim 6 has been amended to reflect this aspect of the present invention.

Neither Kusch nor Kitchin disclose or support a thermophotovoltaic generator apparatus with a cooling liquid comprising at least two kinds of liquid having the features recited in amended claim 6 and discussed above. Lacking at least this feature, neither Kusch nor Kitchin anticipates or renders obvious the present invention.

Entry of this amendment after final is proper in order to place the case in condition for allowance or better form for appeal. For example, the Examiner clearly

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states that claim 1 recites allowable subject matter and would be allowable if amended to correct the cited informalities, and this amendment corrects these informalities. Moreover, while the Examiner has cited Kusch against the claims in this case, this is the first time the Examiner has cited Kitchin against the claims, and entry of this amendment is proper and fair in order to allow the applicants their first opportunity to address the patentability of their claims over Kitchin.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application, withdrawal of the rejections and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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